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35. (amended) The method according to claim 34, wherein said labeled molecule includes a label, wherein said label is selected from the group consisting of radioligands, enzymes, biotin, steroids, fluorochrome, electrochemiluminescent compounds, and gold.

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REMARKS

Upon entry of this Amendment, claims 27-35 will be pending, and claims 34 and 35 will have been amended. Claims 27-35 have been rejected.

No new matter has been added by the above amendments. Reconsideration and allowance are respectfully requested.

Response to Rejections under 35 U.S.C. § 112, ¶2

Claims 34 and 35 have been rejected under 35 U.S.C. § 112, ¶2, as being indefinite. The Examiner argues that in claim 34 it is unclear what is meant by the term "molecule" as it appears in the term "labeled molecule". The applicants have clarified claim 34 by amending the term "labeled molecule" to include "drug" between "labeled" and "molecule" wherever the term appears in claim 34.

In addition, the Examiner argues that the term "providing a fluid sample" is inconsistent with the narrower preceding term "assaying a drug molecule in serum." The applicants have clarified claim 34 by replacing "serum" with "a fluid" in the preamble of the claim. The applicants submit that the amended claim is not indefinite, and this rejection should be withdrawn.

Response to Rejection under 35 U.S.C. § 102(e)

Claim 27 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,872,198 ("Mosbach et al."). The applicants respectfully traverse this rejection.

The applicants submit that the claimed invention is not anticipated Mosbach et al. because the patent is not available as prior art under 35 U.S.C. § 102(e). Mosbach et al is a continuation of U.S. Application Serial No. 451,711, filed May 26, 1995, now abandoned. As acknowledged by